

1 BILL NO. Z-83-01-05

2 ZONING MAP ORDINANCE NO. Z-

*Lusk*

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. Q-7.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby  
8 designated a B3B (General Business) District under the terms of Chapter 33  
9 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Lots 64 through 70 in O'Rourke and Gilmartin's  
11 Subdivision in the City of Fort Wayne in Allen  
12 County, IN

13 and the symbols of the City of Fort Wayne, Zoning Map Q-7, as established  
14 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana  
15 are hereby change accordingly.

16 SECTION 2. That this Ordinance shall be in full force and  
17 effect from and after its passage and approval by the Mayor and the legal  
18 publication thereof.

19 *James M. Lusk*  
20 \_\_\_\_\_  
21 COUNCILMEMBER

22 APPROVED AS TO FORM AND LEGALITY

23 *Bruce O. Boxberger*  
24 \_\_\_\_\_  
25 BRUCE O. BOXBERGER, CITY ATTORNEY  
26  
27  
28  
29  
30  
31  
32



Read the first time in full and on motion by Stier, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

DATE: 1-11-83

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Stier, seconded by Stier, and duly adopted, placed on its passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>8</u>	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	<u>✓</u>	_____
<u>SCHOMBURG</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCRUGGS</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 2-8-83

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

WIN MOSES, JR. - MAYOR



THIS IS TO BE FILED IN DUPLICATE

DATE FILED

INTENDED USE

/We Daniel E. Reilly 3916 Oak Park Dr. Fort Wayne, IN  
(Applicant's Name or Names)

o hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne  
ndiana, by reclassifying from a/an B1B District to a/an B3B  
istrict the property described as follows:

Lots 64 through 70 in O'Rourke and Gilmartin's Subdivision in the City  
of Fort Wayne in Allen County, IN

Legal Description) If additional space is needed, use reverse side.

General Description for Planning Staff Use Only)

/We, the undersigned, certify that I am/We are the owner(s) of fifty-one  
percentum (51%) or more of the property described in this petition.

Glenn Harnishfeger

2904 Wayne Trace

Glenn Harnishfeger

Dorothy Harnishfeger

2904 Wayne Trace

Dorothy Harnishfeger

TED L. LUCE  
(Name)

2928 WAYNE TRACE  
(Address)

T. L. Luce  
(Signature)

If additional space is needed, use reverse side.)

Legal Description checked by

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the  
ordinance be taken under advisement shall be filed in writing and be submitted  
to the City Plan Commission prior to the legal notice pertaining to the ordinal  
being sent to the newspaper for legal publication. If the request for deferra  
continuance or request that ordinances be taken under advisement is received  
prior to the publication of the legal ad being published the head of the Plan  
Commission staff shall not put the matter on the agenda for the meeting at whi  
it was to be considered. The Plan Commission staff will not accept request  
from petitioners for deferrals, continuances, withdrawals, or requests that an  
ordinance be taken under advisement, after the legal notice of said ordinance  
is forwarded to the newspaper for legal publication but shall schedule the mat  
for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Gary Krager  
(Name)

4210 Stanton Dr. Ft. Wayne, IN  
(Address & Zip Code)

(219)485-6916  
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning  
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,  
Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Heari  
approximately ten (10) days prior to the meeting.



Legal Description of property to be rezoned.

Owners of Property

CHRISTINE DONOFR	2908 WAYNE TRACE	Christine Donofri
R.L. O'DELL & LORRA K	2950 WAYNE TRACE	R.L. O'Dell
Daniel E Reilly	2902 Wayne Trace	Daniel E Reilly
Donna M. Waikel	3001 MANFORD	D.M. Waikel
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 11, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-01-05; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 17, 1983;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Finding of Facts":

(1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

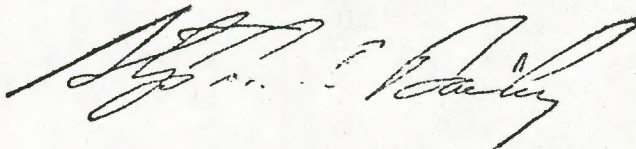
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 24, 1983.

Certified and signed this  
26th day of January 1983.



Stephen A. Bailey  
Secretary



*McK  
P10 # 87B*

BILL NO. Z-83-01-05

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-7

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE per Not PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GiaQUINTA

ROY J. SCHOMBURG

*James Stier*  
*Janet G. Bradbury*  
*Victure L. Scruggs*  
*R. J. Schomburg*

*2-8-83*  
CONCURRED IN  
DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK



# RECEIPT

CHK # 1999

COMMUNITY DEVELOPMENT & PLANNING

No 8133

FT. WAYNE, IND., 12/29 1982

RECEIVED FROM Smyth Krager \$ 50.00

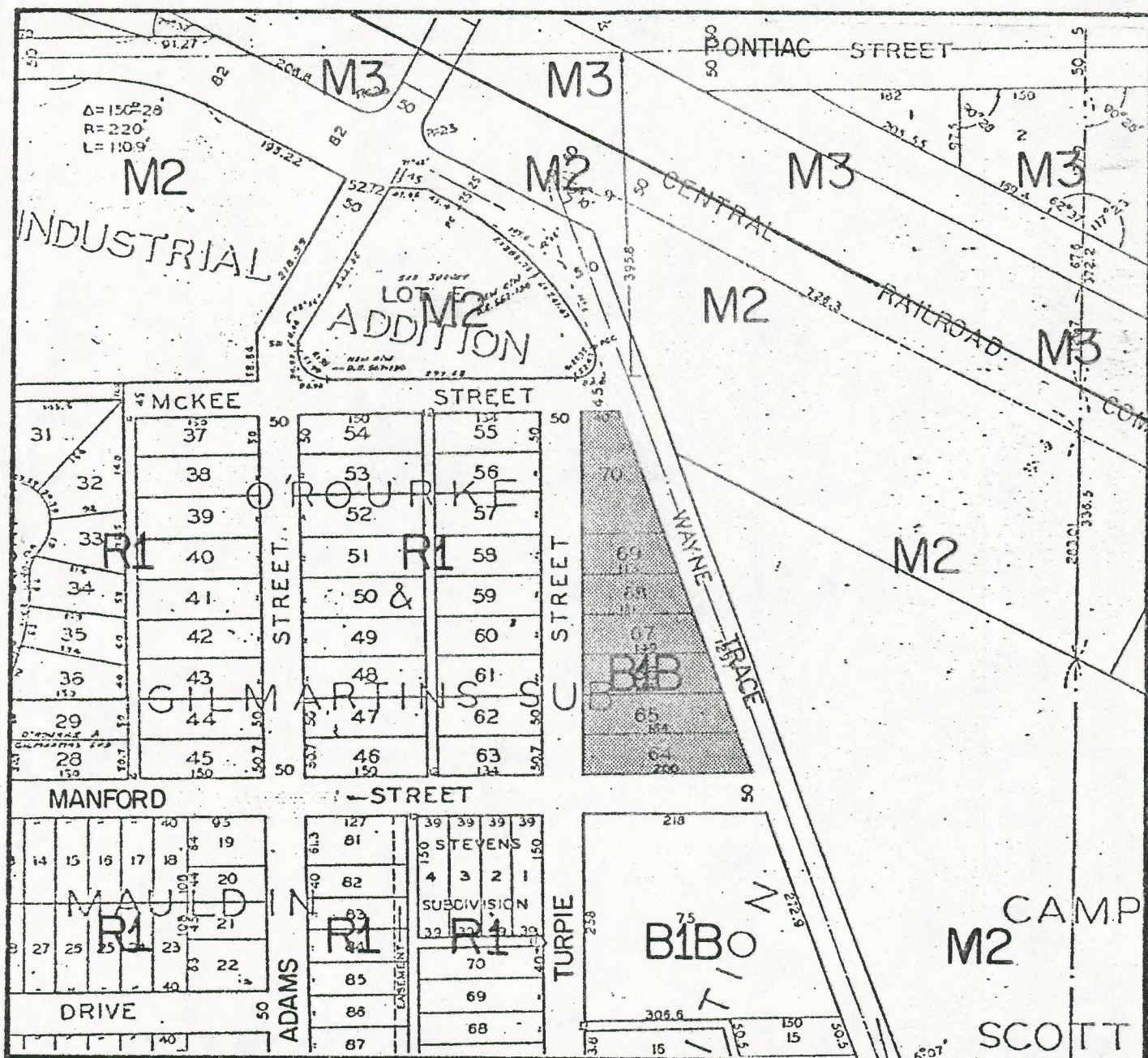
THE SUM OF fifty <sup>00</sup>/<sub>100</sub> DOLLARS

ON ACCOUNT OF rezoning B-1-B to B-3B

PAAR

AUTHORIZED SIGNATURE



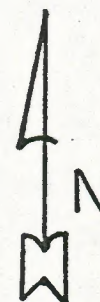


AN APPEAL TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM B1B TO A B3B DISTRICT.

MAP NO. Q-7

DATE: DEC. 29, 1982

Z-83-01-05







## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 January 1983

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held January 24, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-83-01-05
2. From B-1-B to B-3-B
3. Intended Use: Used Car Sales on Lot #70
4. Plan Commission Recommendation: DO NOT PASS

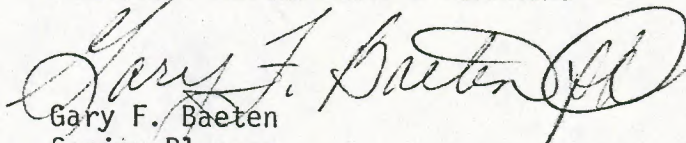
This ordinance received a DO NOT PASS recommendation for the following reasons:

- REASONS:
1. This rezoning will establish a precedent for additional requests for B-3-B zoning.
  2. The B-3-B district will permit uses that may be detrimental to the adjacent neighborhood.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

  
Gary F. Baeten  
Senior Planner

GFB:pb

Attachments





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 January 1983

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held January 24, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-83-01-05
2. From B-1-B to B-3-B
3. Intended Use: Used Car Sales on Lot #70
4. Plan Commission Recommendation: DO NOT PASS

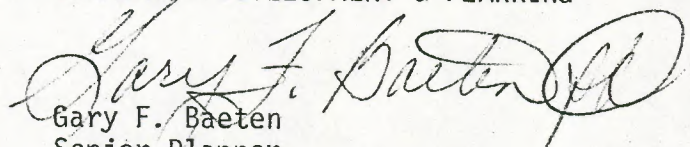
This ordinance received a DO NOT PASS recommendation for the following reasons:

- REASONS:
1. This rezoning will establish a precedent for additional requests for B-3-B zoning.
  2. The B-3-B district will permit uses that may be detrimental to the adjacent neighborhood.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

  
Gary F. Baeten  
Senior Planner

GFB:pb

Attachments



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 11, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-01-05; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 17, 1983;

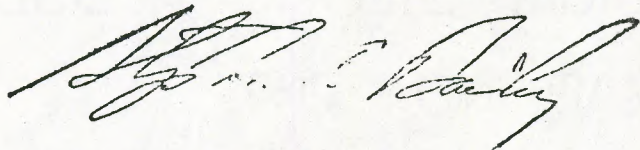
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Finding of Facts":

- (1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

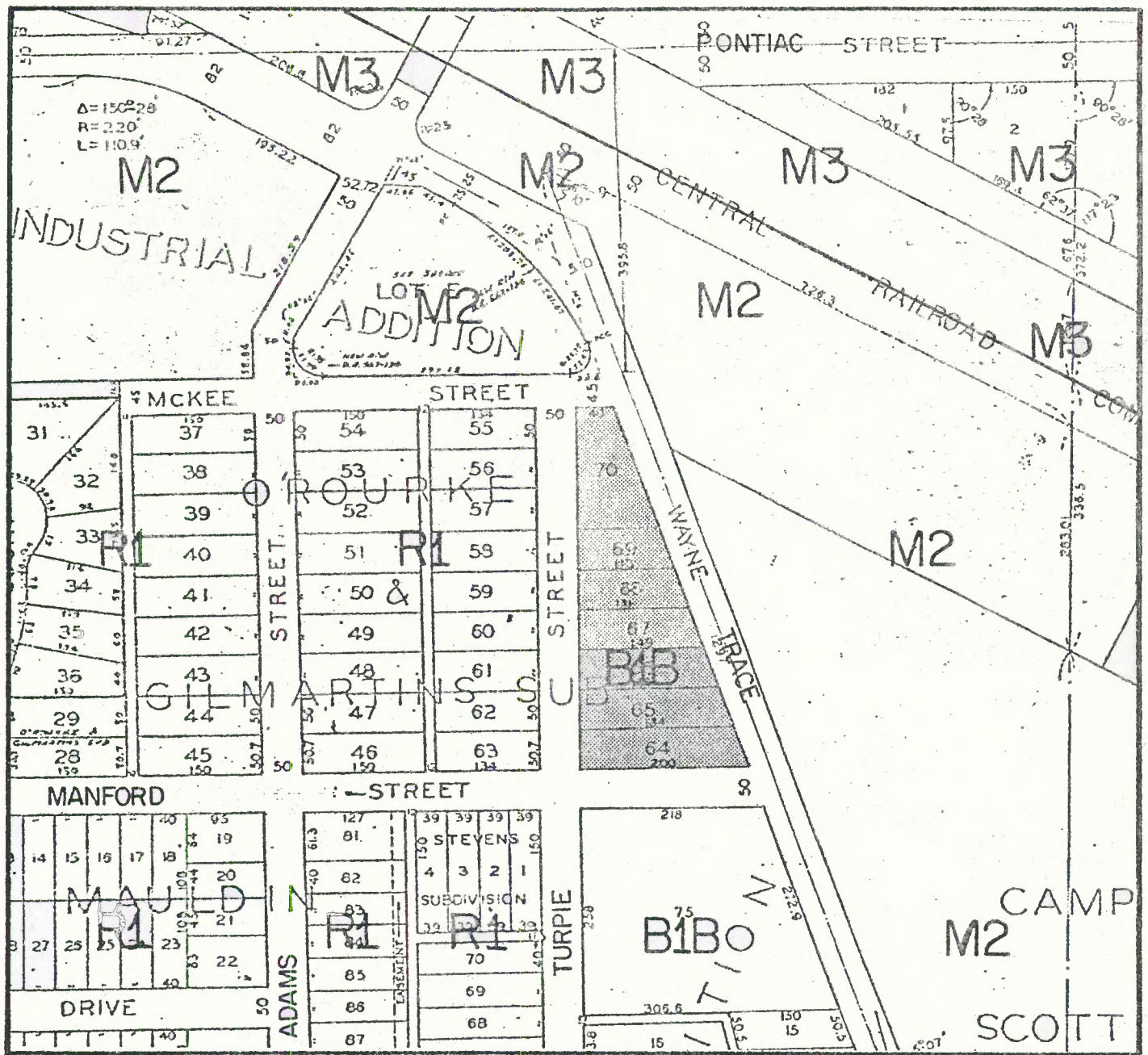
This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 24, 1983.

Certified and signed this  
26th day of January 1983.



Stephen A. Bailey  
Secretary





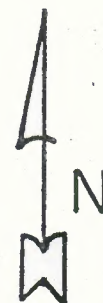
AN APPEAL TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM B1B TO A B3B DISTRICT.

MAP NO. Q-7

DATE: DEC. 29, 1982

Z-83-01-05

By M. A. Gecowets





TITLE OF ORDINANCE Zoning Ordinance Amendment2-83-01-05DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&PSYNOPSIS OF ORDINANCE Lots 64 through 70 in O'Rourke and Gilmartin's Subdivision.EFFECT OF PASSAGE Property is now zoned B1B - Limited Business. Property will become B3B - General Business.EFFECT OF NON-PASSAGE Property will remain B1B - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_